

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

IRMA GARZA  
Plaintiff,

Vs.

THE CITY OF EDINBURG, TEXAS  
RICHARD MOLINA, DAVID TORRES,  
JORGE SALINAS and GILBERT  
ENRIQUEZ  
Defendants.

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§

CIVIL ACTION NO. 7:18-CV-267

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*Plaintiff's Response to Defendants' Second Motion for Judgment on the Pleadings*

# EXHIBIT C

Deposition Excerpts of Robin Zayas

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

IRMA GARZA	) (	
Plaintiff	) (	
	) (	
VS.	) (	CIVIL ACTION NO.
	) (	7:18-cv-267
THE CITY OF EDINBURG,	) (	
TEXAS, RICHARD MOLINA,	) (	
DAVID TORRES, JORGE	) (	
SALINAS AND GILBERT	) (	
ENRIQUEZ	) (	
Defendants	) (	

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ORAL AND VIDEOTAPED DEPOSITION OF  
ROBIN ZAYAS  
APRIL 23, 2019

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ORAL AND VIDEOTAPED DEPOSITION OF ROBIN ZAYAS,  
produced as a witness at the instance of the PLAINTIFF,  
taken in the above styled and numbered cause on  
April 23, 2019, between the hours of 1:42 p.m. and 2:57  
p.m., reported stenographically by JOHN W. FELLOWS,  
Certified Court Reporter No. 3335, in and for the State  
of Texas, at the offices of FLORES & TORRES, LLP, 118  
East Cano Street, Edinburg, Texas, pursuant to the  
Federal Rules of Civil Procedure and any provisions  
stated on the record or attached therein.

**BRYANT & STINGLEY, INC.**  
**Harlingen (956) 428-0755                      McAllen (956) 618-2366**

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ALSO PRESENT:

ALBERT GONZALEZ, Videographer (B&S)  
IRMA GARZA

**BRYANT & STINGLEY, INC.**

**Harlingen (956) 428-0755**

**McAllen (956) 618-2366**

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13:42 1 THE VIDEOGRAPHER: Today's April 23, 2019.  
13:42 2 This is the video-recorded deposition of Robin Zayas.  
13:42 3 We are on the record at 1:43 p.m.

13:42 4 ROBIN ZAYAS,  
13:42 5 having been duly sworn, testified as follows:

13:42 6 EXAMINATION

13:42 7 BY MR. FLORES:

13:42 8 Q. Can you please state your full and complete  
13:43 9 name for the record?

13:43 10 A. Robin Diane Zayas.

13:43 11 Q. Ms. Zayas, my name is David Flores. I  
13:43 12 represent Irma Garza in a lawsuit that was filed by her  
13:43 13 against the City of Edinburg and other City Council  
13:43 14 members; do you understand that?

13:43 15 A. Yes.

13:43 16 Q. Okay. Have you ever had your deposition taken  
13:43 17 before?

13:43 18 A. No.

13:43 19 Q. Couple of, I guess, some housekeeping matters.  
13:43 20 It's important that you allow me to finish asking my  
13:43 21 question before you respond.

13:43 22 A. Okay.

13:43 23 Q. Because this gentleman to your left here is  
13:43 24 taking down everything we're saying, so if we talk over  
13:43 25 each other it's difficult for him to get a clear

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13:46 1 A. Yeah.

13:46 2 Q. Would it be March of 2018?

13:46 3 A. Like the end of March probably.

13:46 4 Q. Okay. Okay. And prior to working with  
13:46 5 Elements Massage, where were you working?

13:46 6 A. I wasn't for a while. But then before that I  
13:46 7 was with Z Digital.

13:46 8 Q. I'm --

13:46 9 MR. AGUILAR: I'm sorry?

13:46 10 A. Z Digital.

13:46 11 Q. Where is that located?

13:46 12 A. It really wasn't located anywhere. It was -- I  
13:46 13 guess at my old apartment is where we use the address  
13:47 14 for. But it was like out at different events and  
13:47 15 stuff. We didn't, like, have an office.

13:47 16 Q. What is Z Digital?

13:47 17 A. It was a media -- social media business.

13:47 18 Q. Okay. And what did you do for Z Digital?

13:47 19 A. I would go to different events for clients,  
13:47 20 take pictures, help set up events, and then post  
13:47 21 pictures, and -- and, you know, kind of recap what  
13:47 22 happened on their social media platforms.

13:47 23 Q. Okay. Now -- or were you an employee of Z  
13:47 24 Digital, or were you an owner?

13:47 25 A. I was the owner.

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13:47 1 Q. And is Z Digital incorporated?

13:47 2 A. It was an LLC.

13:47 3 Q. Okay. So when did you form this company?

13:47 4 A. I don't know. I would have to look.

13:48 5 Q. Okay.

13:48 6 A. It was right before the campaign to be honest.

13:48 7 Q. Before which campaign?

13:48 8 A. The Molina campaign. So --

13:48 9 Q. Now, are you the -- so when you say before the

13:48 10 Molina campaign, are you saying before the November

13:48 11 2017 election?

13:48 12 A. Yeah.

13:48 13 Q. Okay.

13:48 14 A. It -- it was -- the Z Digital was put together

13:48 15 a little prior to that.

13:48 16 Q. Okay. Are you the sole member of Z Digital,

13:48 17 LLC?

13:48 18 A. No. It was something that I did with Cary.

13:48 19 She has a lot of knowledge in media, so she helped me

13:48 20 out.

13:48 21 Q. Now, is she listed in the company records as a

13:48 22 owner as well?

13:48 23 A. The -- not co, but it's called something.

13:49 24 A -- I don't know. Like not a consultant, but...

13:49 25 Q. So does Z Digital have any employees?

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13:49 1 A. Well, me, basically.

13:49 2 MR. AGUILAR: Objection to the extent it  
13:49 3 calls for legal conclusion. I don't know if she  
13:49 4 understood what you were really asking.

13:49 5 MR. FLORES: Talking about the employees  
13:49 6 question?

13:49 7 MR. AGUILAR: Yeah.

13:49 8 Q. Okay. Now, you, again, as far as your  
13:49 9 understanding, were you the only listed member of Z  
13:49 10 Digital? When I say that, you submit your documents to  
13:49 11 the Secretary of State, the members are listed. Are  
13:49 12 you listed as a sole member?

13:49 13 A. Yeah. I think so. I mean, do you want to take  
13:49 14 a look and see what I'm --

13:50 15 Q. Okay.

13:50 16 A. -- not missing --

13:50 17 Q. I want to get your understanding of it before  
13:50 18 we start taking a look at it.

13:50 19 A. Okay.

13:50 20 Q. Okay. So what is your understanding as far as  
13:50 21 who are the owners of Z Digital?

13:50 22 A. Me and I -- you know, when I had questions I  
13:50 23 would ask Cary, like, How -- how do I get a LLC? What  
13:50 24 do I do to get the ball rolling on that?

13:50 25 Q. And what prompted you to form Z Digital, this

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13:50 1 company?

13:50 2 A. To kind of gain not just political clients,  
13:50 3 obviously, but maybe like other local businesses and  
13:50 4 whatnot. And it would be a great way to do something  
13:50 5 during school, because the flexibility there as well.

13:50 6 Q. And when I say to the jury, we anticipate at  
13:50 7 some point this video may be played to the jury, so I  
13:50 8 may ask you to explain something. I say, Explain it to  
13:50 9 the jury. So I know there's no jury here today, but  
13:51 10 the testimony you're providing here is the same as if  
13:51 11 you were in a court of law; do you understand that?

13:51 12 A. Yeah.

13:51 13 Q. Okay. So can you explain to the jury,  
13:51 14 specifically, what it was that you did?

13:51 15 A. I would show up at events and help plan events,  
13:51 16 and then photograph the candidates meeting people and  
13:51 17 interacting with the people that are around them, and  
13:51 18 then posting it on their social media platform, so  
13:51 19 that, you know, basically, make them look like they're  
13:51 20 involved in what they're doing, and how their day's  
13:51 21 going.

13:51 22 Q. Okay. Now, prior to forming Z Digital, had you  
13:51 23 had any experience working in this capacity at all?

13:51 24 A. No.

13:51 25 Q. Okay. So this would be your first experience

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13:51 1 into this arena; is that correct?

13:51 2 A. Like this, yes. I did some social work  
13:51 3 for -- social media work for a Humane Society in Port  
13:52 4 Isabel, but that -- you know, that's just trying to get  
13:52 5 animals adopted and whatnot.

13:52 6 Q. Okay. And when was that?

13:52 7 A. That's when I was in Port Isabel four years  
13:52 8 ago.

13:52 9 Q. Okay. So that would've been substantially  
13:52 10 before the 2017 --

13:52 11 A. Way before, yeah.

13:52 12 Q. Okay.

13:52 13 A. Way, way before that.

13:52 14 Q. Had you ever -- is this the only company you've  
13:52 15 been a part of?

13:52 16 A. Yes.

13:52 17 Q. Okay. Your first company?

13:52 18 A. Right.

13:52 19 Q. Okay. Now, we have listed in this lawsuit,  
13:52 20 Ms. Zayas, four individual Defendants. Those  
13:52 21 Defendants are Richard Molina, David Torres, George  
13:52 22 Salinas, and Gilbert Enriquez.

13:52 23 A. Uh-huh.

13:52 24 Q. Do you know who I'm referring to?

13:52 25 A. Yes.

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13:52 1 Q. Do you know Richard Molina?

13:52 2 A. Yes.

13:52 3 Q. Do you know David Torres?

13:52 4 A. Yes.

13:52 5 Q. Do you know George Salinas?

13:52 6 A. Not as well as I know David and Richard.

13:52 7 Q. Okay. What about Gilbert Enriquez?

13:53 8 A. A little bit, too; not very -- not very well.

13:53 9 Q. When did you first meet Richard Molina, current  
13:53 10 mayor?

13:53 11 A. When -- we start when the Z Digital came to be  
13:53 12 and started meeting with him and showing up at his  
13:53 13 events and whatnot.

13:53 14 Q. And how is it that you two got -- came  
13:53 15 together?

13:53 16 A. Cary suggested that I run his social media  
13:53 17 platforms.

13:53 18 Q. So this would be -- do you know, more or less,  
13:53 19 when this was?

13:53 20 A. Really don't.

13:53 21 Q. If the election was November --

13:53 22 A. It was -- yeah.

13:53 23 Q. If the --

13:53 24 A. That's when the election started, but we  
13:53 25 campaigned prior -- sorry. Are you --

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13:53 1 Q. That's okay. That's okay. If the election was  
13:53 2 November 4th --

13:53 3 A. Uh-huh.

13:53 4 Q. -- how long before that date was it that you  
13:53 5 met him?

13:53 6 A. I don't know. Five, six months before that.

13:54 7 Q. Okay. And where were you -- where did y'all  
13:54 8 meet?

13:54 9 A. Where were we? I want to say at one of those  
13:54 10 little taco and coffee places.

13:54 11 MR. AGUILAR: That's narrowing it down.

13:54 12 A. No. Like at one of those, like, meet-and-greet  
13:54 13 type deals.

13:54 14 MR. AGUILAR: Oh --

13:54 15 A. I don't know. I --

13:54 16 MR. AGUILAR: No. I was just joking,  
13:54 17 because there's not a lot of coffee and taco places in  
13:54 18 the Valley.

13:54 19 A. Yeah. I didn't think --

13:54 20 Q. It was a strange combination. I like it. I  
13:54 21 like it.

13:54 22 A. -- important as it is, so I really didn't --

13:54 23 Q. No. I understand.

13:54 24 A. -- commit it to memory.

13:54 25 Q. Now, was this at a -- an event held for Richard

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13:54 1 Molina?

13:54 2 A. I don't think it was an event. I think it was  
13:55 3 like a -- just a loosely kind of meeting.

13:55 4 Q. Was this a private meeting that was held, so  
13:55 5 that you could meet him at a public place?

13:55 6 A. Socially, yeah. I wouldn't call it like a  
13:55 7 private --

13:55 8 Q. It was at a public place?

13:55 9 A. Yeah.

13:55 10 Q. But it wasn't an event that was held there for  
13:55 11 him?

13:55 12 A. No.

13:55 13 Q. Okay. Who was present at this meeting?

13:55 14 A. Me, Richard, his wife, and my sister.

13:55 15 Q. Okay. And what did y'all discuss?

13:55 16 A. We discussed how campaigns kind of work.

13:55 17 Q. Okay.

13:55 18 A. And how Facebook would be, like, the window for  
13:55 19 the public to see what he's doing every day.

13:55 20 Q. Okay.

13:55 21 A. And follow him on his campaign trail without  
13:55 22 actually -- you know, people that can't show up, didn't  
13:55 23 show up, don't want to show up, they can still see what  
13:55 24 he's talking about or what he's doing every day.

13:55 25 Q. And did you guys discuss what your role would

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13:55 1 be in capturing these events or this --

13:55 2 A. Right. Yeah. Following him around, taking  
13:56 3 pictures.

13:56 4 Q. Now, was there a discussion -- did Cary have a  
13:56 5 role in this capacity at all?

13:56 6 A. No. But she did say, you know -- she was like,  
13:56 7 Robin, if you have issues, like, if you don't know how  
13:56 8 to maybe put together a post really, really well, she  
13:56 9 was like, I'll give you the template and then you just  
13:56 10 plug in the info, add the pictures, tell the story.

13:56 11 Q. Did she help you do that?

13:56 12 A. Yeah. Sometimes I did -- would have  
13:56 13 trouble. So it be like, you know, How do I make this  
13:56 14 sentence -- how do I make this whole story into just a  
13:56 15 couple sentences, so I can post it, you know.

13:56 16 Q. Okay. And she would help you edit or --

13:56 17 A. Yeah. My grammar wasn't that great. She would  
13:56 18 teach me how to take better photos, how to crop so it  
13:56 19 looks nicer --

13:56 20 Q. Uh-huh.

13:56 21 A. -- things like that.

13:56 22 Q. And she's got experience in this field; is that  
13:56 23 correct?

13:57 24 A. Correct.

13:57 25 Q. Okay. How frequently or how often would she

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14:21 1 Cary -- your sister, Cary, about working for Mike?

14:21 2 A. Yes. She said that I should take it. I still  
14:21 3 hadn't had a job. I was still in school. It was, you  
14:21 4 know, source of income.

14:21 5 Q. Okay.

14:21 6 A. It would be over relatively soon, like, a short  
14:21 7 gig.

14:21 8 Q. And as opposed to the mayoral campaign, that  
14:21 9 was a much longer --

14:21 10 A. Longer.

14:21 11 Q. -- sustained campaign?

14:21 12 A. Yeah.

14:21 13 Q. Okay. Now, what do you charge for your  
14:21 14 services?

14:21 15 A. It was about -- I want to say like 500 every  
14:21 16 two weeks.

14:21 17 MR. AGUILAR: I'm sorry?

14:21 18 A. 500 every two weeks, more or less, depending on  
14:21 19 what was going on.

14:21 20 Q. And how would they pay you?

14:21 21 A. With checks.

14:21 22 Q. And these checks were made out to whom?

14:21 23 A. Z Digital. Z Digital. I think a few times  
14:21 24 they -- they put Robin Zayas on it by accident, but  
14:21 25 they were all into that account.

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14:22 1 Q. Okay. So all these got deposited into your  
14:22 2 business account?

14:22 3 A. Uh-huh.

14:22 4 Q. Okay. And was it consistently 500 every two  
14:22 5 weeks, or did -- did it vary at times?

14:22 6 A. No. It was really hectic for them, so  
14:22 7 sometimes it was like, Oh, the finance report is due on  
14:22 8 whatever date. We got to pay everybody, you know, and  
14:22 9 then turn in the finance report.

14:22 10 Q. Uh-huh.

14:22 11 A. So it wasn't like the 1st and 15th that I would  
14:22 12 get paid or anything like that. It was kind of  
14:22 13 whenever they remember they had to pay me and they got  
14:22 14 around to it.

14:22 15 Q. Were there ever any issues with you getting  
14:22 16 paid?

14:22 17 A. No.

14:22 18 Q. Okay. Now, are you the only signatory on the  
14:22 19 account for Z Digital?

14:22 20 A. No. It was me and Cary.

14:22 21 Q. So Cary also was an authorized signatory of  
14:22 22 that account?

14:22 23 A. Yeah. We opened that one co.

14:22 24 Q. Oh, so the -- the account was open by both of  
14:22 25 you?

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14:22 1 A. Right.

14:22 2 Q. Okay.

14:22 3 A. Well, it was mine and then she was my  
14:22 4 co-person.

14:22 5 Q. Could she withdraw money from that account?

14:23 6 A. Yeah.

14:23 7 Q. Okay. Did she ever withdraw money from that  
14:23 8 account?

14:23 9 A. Yes.

14:23 10 Q. Okay. Why would she withdraw money from the  
14:23 11 account?

14:23 12 A. She took the kids back to school shopping.  
14:23 13 She -- I'm not sure.

14:23 14 Q. Do you have -- do you have receipts for all  
14:23 15 that?

14:23 16 A. Yeah.

14:23 17 Q. Okay. So she was getting money from there  
14:23 18 spending on -- on her children?

14:23 19 A. Uh-huh.

14:23 20 Q. And other stuff?

14:23 21 A. Yes.

14:23 22 Q. Okay. Now, did she work for Z Digital also in  
14:23 23 these campaigns?

14:23 24 A. Not -- I mean, I would ask her for help, but --

14:23 25 Q. And I guess --

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UNITED STATES DISTRICT COURT  
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DAVID TORRES, JORGE	) (	
SALINAS AND GILBERT	) (	
ENRIQUEZ	) (	
Defendants	) (	

REPORTER'S CERTIFICATION  
ORAL AND VIDEOTAPED DEPOSITION OF  
ROBIN ZAYAS  
APRIL 23, 2019

I, JOHN W. FELLOWS, Certified Court Reporter, certify that the witness, ROBIN ZAYAS, was duly sworn by me, and that the transcript is a true and correct record of the testimony given by the witness on April 23, 2019; that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision;

Pursuant to Federal Rule 30(5)(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the 2nd

May, 2019.

*John W. Fellows*  
JOHN W. FELLOWS, Texas CSR 3335  
Expiration Date: 04-30-21  
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